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20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA

22 VALERIE CASHON, on behalf of herself
23 and all others similarly situated,

24 Plaintiff,

25 v.

26 KINDRED HEALTHCARE
27 OPERATING, INC., a Delaware
28 Corporation; GENTIVA CERTIFIED
HEALTHCARE CORP., a Delaware
Corporation; and DOES 1 through 15
inclusive,

Defendants.

Case No. 3:16-cv-04889 RS

**JOINT STIPULATION TO EXTEND
CLASS CERTIFICATION DEADLINES
AND TO STAY DISCOVERY;
~~PROPOSED~~ ORDER**

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KINDRED HEALTHCARE OPERATING, INC. and GENTIVA
12 CERTIFIED HEALTHCARE CORP.
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1 Plaintiff VALERIE CASHON ("Plaintiff") and Defendants KINDRED
2 HEALTHCARE OPERATING, INC. and GENTIVA CERTIFIED HEALTHCARE CORP.
3 ("Defendants") (collectively, the "Parties"), through their respective counsel, hereby stipulate,
4 subject to Court approval, that the deadlines related to Plaintiff's motion for class certification shall
5 be continued and discovery stayed in light of the Parties' agreement to participate in further ADR.

6 WHEREAS, on February 27, 2017 the Court issued a Case Management Scheduling
7 Order following a Case Management Conference setting the following deadlines for class
8 certification: (1) motion for class certification must be filed on or before October 19, 2017;
9 (2) opposition to motion for class certification must be filed on or before November 16, 2017;
10 (3) reply to opposition must be filed on or before November 30, 2017; and (4) Plaintiff's motion for
11 class certification shall be heard on December 14, 2017 at 1:30 p.m.;

12 WHEREAS, the Parties previously attended mediation with mediator, Michael
13 Dickstein, on April 3, 2017;

14 WHEREAS, since mediation, the Parties engaged in further formal discovery and
15 have agreed to mediate the matter again prior to class certification briefing;

16 WHEREAS, based on the availability of the Parties, their respective counsel and Mr.
17 Dickstein, mediation is scheduled for November 20, 2017;

18 WHEREAS, the Parties have agreed that in the interests of facilitating possible
19 settlement of this matter and in the interest of conserving judicial resources, they wish to stay
20 discovery and limit unnecessary attorneys' fees and costs, given that this case will be mediated; and

21 NOW THEREFORE, to avoid the unnecessary expenditure of resources on discovery,
22 the Parties STIPULATE, subject to Court approval, as follows:

23 1. Class certification briefing shall be continued by seven weeks as follows:
24 (i) Plaintiff shall file her Motion for Class Certification on or before December 7, 2017;
25 (ii) Defendants shall file their Opposition on or before January 4, 2018; (iii) Plaintiff shall file her
26 Reply on or before January 18, 2018; and (iv) the hearing shall be set for an available date thereafter
27 that is convenient for the Court;
28

2. The Parties shall stay discovery, including all pending discovery requests propounded by Plaintiff to Defendants, until mediation is completed on November 20, 2017; and

3. The deadline for Defendants to respond to Plaintiff's Requests for Production of Documents propounded to Gentiva Certified Healthcare Corp., Set Two, and Plaintiff's Requests for Production of Documents propounded to Kindred Healthcare Operating, Inc., Set Two, shall be continued to a mutually agreeable date to be decided by the Parties after mediation is completed.

IT IS SO STIPULATED.

Dated: October 4, 2017

/s/ Anthony Perez,
ANTHONY PEREZ
CHARLES L. POST
BRENDAN J. BEGLEY
Attorneys for Plaintiff
VALERIE CASHON

Dated: October 4, 2017

/s/ Michael E. Brewer
MICHAEL E. BREWER
ALISON J. CUBRE
LISA LIN GARCIA
ANGELO SPINOLA
Attorneys for Defendants
KINDRED HEALTHCARE OPERATING,
INC., and GENTIVA CERTIFIED
HEALTHCARE CORP.

1 **~~[PROPOSED]~~ ORDER**

2 Having considered the Parties' Joint Stipulation to Extend Class Certification
3 Deadlines and to Stay Discovery, and good cause appearing therefor, the Court hereby orders as
4 follows:

5 1. The briefing schedule for Plaintiff's motion for class certification is hereby
6 continued as follows: Plaintiff shall file her Motion for Class Certification on or before December 7,
7 2017, Defendants shall file their Opposition on or before January 4, 2018 and Plaintiff shall file her
8 Reply, if any, to Defendants' Opposition on or before January 18, 2018;

9 2. The hearing on Plaintiff's motion for class certification shall be set on
10 February 8, 2018 at 1:30 pm; and

11 3. All discovery, including all pending discovery requests propounded by
12 Plaintiff to Defendants, is stayed pending the completion of the November 20, 2017 mediation.

13 4. The deadline for Defendants to respond to Plaintiff's Requests for Production
14 of Documents propounded to Gentiva Certified Healthcare Corp., Set Two, and Plaintiff's Requests
15 for Production of Documents propounded to Kindred Healthcare Operating, Inc., Set Two, shall be
16 continued to a mutually agreeable date to be decided by the Parties after mediation is completed.

17 **IT IS SO ORDERED**

18
19 Dated: 10/4/17



20 HON. RICHARD SEEBORG